



**TOWN OF WILTON
ZONING BOARD OF ADJUSTMENT BOARD MEETING
DRAFT MINUTES**

DATE: September 20, 2016
TIME: 7:30 PM
PLACE: Wilton Town Hall Courtroom

PRESENT: ZBA Board Members: Chairman, Neil Faiman, Co-Vice Chairman Carol Roberts, Paul Levesque, Joanna Eckstrom, Alternate: Bob Spear, Secretary: Elizabeth Morison.

Attendance: Rick Kohler from Todd Land Use Consultant, LLC., Sylvia Mansfield, James M Beach, Dov Jaffe, Noah Jaffe (son).

PUBLIC HEARING

Chairman Faiman opened the meeting at 7:30 PM.

Minutes: August 27, 2016 Site Visit Minutes

The Site Visit minutes from August 27, 2016 were reviewed.

Attendees Lynn Pentler and Joe Broyles were added to the list of participants.

Mr. Faiman noted to make change of Wilton Conservation Committee to Wilton Conservation Commission.

A MOTION was made from Ms. Eckstrom and Seconded by Ms. Roberts to approve the minutes from 8/27/16 as submitted.

Voting: 5 ayes, motion carried unanimously.

Minutes: August 29, 2016

The minutes from August 29, 2016 were reviewed.

Ms. Eckstrom noted change in wording via email message. It was noted to change wording on line 148 to the following: adopt (as findings of fact / reasons for granting the application) all

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stated on applicant's "To grant a variance, the ZBA must decide ..." except last sentence (reference to restrictions placed by Catholic Diocese of Manchester are unique to this site alone.

A MOTION was made from Ms. Eckstrom and Seconded by Ms. Roberts to approve the minutes from 8/29/16 as amended and submitted.

Voting: 5 ayes, Motion carried.

Case #8/9/16-3 – Mansfield

Mr. Faiman reviewed case and explained that case was a continuance from the August 9, 2016 Public Hearing.

Case #8/9/16-3 – Mansfield

Sylvia L. Mansfield has applied for a special exception under section 11.4(a) of the Wilton Zoning Ordinance, to allow the construction of a driveway which will cross a wetland area on Lot H-124, 326 Captain Clark Highway.

Mr. Kohler, Todd Land Use Consultants, LLC., represented Ms. Mansfield.

Mr. Kohler reviewed plot plan to Board and audience. Mr. Kohler indicated on plot plan where the proposed driveway would cross the wetlands. Mr. Kohler also noted that this case is a re-application of a previously approved proposed driveway from 2007.

The following questions were asked from Board Members to Mr. Kohler:

Mr. Levesque asked what the total length of proposed driveway will be? Mr. Kohler stated that the driveway would be 57 feet.

Mr. Faiman asked where culverts would be and will there be 2 culverts? Mr. Kohler indicated on plot plan where the culverts would be and that they would be placed at grade within existing flow.

Mr. Faiman further questioned what the total impact would be? Mr. Kohler stated that 1,906 square feet would be the temporary impact during construction. 1,280 square feet would be the permanent impact.

Ms. Roberts questioned is there any other impact relative to wetlands (other than where proposed driveway crossing)? Mr. Kohler stated that there is no other impact to wetlands. Ms. Roberts also questioned is the driveway for single use? Mr. Kohler stated that yes, driveway is for single use and its' entrance is at the only reasonable site. In addition, Ms. Roberts asked if the entrance

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is the most visually impactful? Mr. Kohler stated that a house on the road would have been more visually impactful.

Mr. Spear questioned the re-delineation of site line? Mr. Kohler stated that the re-delineation of site lines is more or less the same from the 2007 plan.

Mr. Jaffe, abutter 326 Captain Clark Highway, questioned Mr. Levesque if he has had the opportunity to review application and letter from Mr. Jaffe from file? Mr. Levesque reviewed letter from Mr. Jaffe. Mr. Levesque questioned if Mr. Jaffe has any additional concerns other than what he stated in his letter? Mr. Jaffe stated that he does not have any additional concerns other than what he has previously proposed.

Mr. Faiman read approval letter from the Wilton Conservation Commission in response to site walk. Letter has been submitted to file.

Ms. Eckstrom appreciated Mr. Jaffe's concerns and noted that the Board is dealing with the request in regards to the proposed driveway crossing of the wetlands. Ms. Eckstrom stated that Mr. Jaffe's concerns of storm run off is outside the Zoning Board jurisdiction. Ms. Eckstrom also inquired where the location of the proposed house would be? Mr. Kohler pointed out a proposed knoll on the plan which is set back of the wetlands. Mr. Kohler further indicated that the proposed site is in the best location in regards to septic and well placement. Mr. Kohler further stated that they will move forward with septic design that will be approved by the State of New Hampshire.

A Motion was made by Ms. Roberts and seconded by Ms. Eckstrom to close the Public Hearing.

Voting: 5 ayes, motion carried unanimously.

Deliberation:

Discussion commenced regarding the best location for crossing of the wetlands? Ms. Eckstrom stated that it looked like the best location for the crossing, the proposed site would bring on the least amount of impact. Mr. Faiman stated that given the layout of the site, they have taken advantage of the back lot, there is no realistic way to utilize front of lot. Mr. Faiman further stated that the back lot is useless unless you cross the wetlands. Mr. Faiman stated that it appears that they have minimalized the impact of wetlands. Ms. Roberts questioned what is the recourse for the abutters? Mr. Faiman stated that they will need to go to State Authorities with their concerns.

A MOTION was made by Ms. Eckstrom and seconded by Mr. Levesque to approve the special exception under section 11.4(a) of the Wilton Zoning Ordinance, to allow the construction of a driveway which will cross a wetland area on Lot H-124, 326 Captain Clark Highway.

Voting for Approval:

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Ms. Roberts – Yes

Ms. Eckstrom – Yes

Mr. Levesque – Yes

Mr. Spear – Yes

Mr. Faiman – Yes

Voting: 5 ayes, Application approved unanimously.

A Motion was made and seconded by Mr. Spear to re-open hearing.

Voting: 5 ayes, motion approved unanimously.

Mr. Faiman invited the public to comment.

Mr. Faiman stated this decision shall expire if the construction or use permitted by it has not begun within 30 days. (Wilton Zoning Ordinance section 17.4)

The selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment within 30 days and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Mr. Faiman thanked the audience.

Ms. Mansfield thanked the Board for their time and consideration.

A Motion was made by Mr. Spear and Seconded by Ms. Eckstrom to adjourn the meeting.

Voting: 5 ayes, motion carried unanimously.

Chairman Faiman declared the meeting adjourned at 8:10 PM.

Mr. Faiman announced the upcoming Municipal Law Lecture Series for the months of September and October.

The next scheduled monthly meeting will be held on the second Tuesday of the following month, October 4, 2016. At 7:30 PM.

Respectfully Submitted,

Elizabeth Morison

Secretary